

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
April 9, 2008

Supervisor Berman called the meeting to order at 5:00 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge Gerald K. Geist William R. Weaver Michael J. Schiliro
Town Clerk	Ann Leber
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into Executive Session to discuss personnel matters, a real estate matter and litigation. The Executive Session was closed at 6:30 p.m.

The Work Session to discuss sewer metering was convened at 6:35 p.m. and was closed at 7:25.

The regular meeting was reconvened at 7:35 p.m.

The minutes of the Public Hearings which commenced at 7:45 p.m. follow at the end of these minutes.

Councilman Geist moved, seconded by Councilman Weaver, approval of the minutes of the Work Session of March 26, 2008 and the regular meeting of March 26, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Supervisor Berman made the following announcements:

- Congratulations were given to Dawn Donovan who is the newly elected downstate Regional Council Chairperson of the NYS Government Finance Officers' Association.
- The Quarry Heights sewer project engineering plans have received final approval from the EPA. The Town's bid documents were released on March 19 and the bid opening will be held on May 7. The County will soon release bid documents for its portion of the project.
- The North Castle Global Warming Task Force is conducting a Waste Wise program through May 3 with Green Club students at Crittenden Middle School with a goal of increasing recycling in students' households. Information about the households with exemplary results, as well as best practices for recycling, will be available at the May 10th Earth Day Celebration.
- The North Castle Historical Society Annual Antiques Show will be take place on April 26 and 27, from 11:00 a.m. to 5:00 p.m. at Byram Hills High School. For further information, call 273-4510.
- County Legislator John Nonna will be having a "Coffee and Conversation" program on April 29 from 7:00 p.m. to 9:00 p.m. in the Town Hall Annex.
- Westchester County will have an Earth Day Celebration on April 13 at the Kensico Dam Plaza from 11 a.m. to 3 p.m. Admission and parking are free.
- Residents interested in volunteering to help the County monitor stream sites can call Susan Darling at 995-6535.

The receipt of an Environmental Assessment Form for a zone text amendment from Michael Fareri to allow conversion to professional office use of any additions to the main building within the RO Zoning District was tabled on the duly adopted motion of Councilman Geist. Town

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Attorney Baroni explained that since the building is in the historic district a full EAF must be submitted and reviewed by the Town Board before it can declare its intent to act as lead agency.

With respect to a request from Fordham University's Louis Calder Biological Field Station for a zoning text amendment to amend Town Code, Section 213.33B to permit student residential housing, Councilman Weaver moved, seconded by Councilman Schiliro, that the Town Board declare its intent to act as lead agency for environmental review under SEQRA, that authorization be granted for circulation of a notice of intent to act as lead agency, and that a public hearing be scheduled for May 14, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the receipt of Certificates of Substantial Completion for Stratis Contracting Corporation and for S&L Plumbing and Heating Corporation in connection with Sewer District No. 2 wastewater treatment plant upgrade.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, a resolution authorizing the issuance of \$350,000 bonds for improvements to Lombardi Park. Councilman Geist explained that the improvements include widening the park entrance, improved access, more parking, and road paving.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, a resolution authorizing the issuance of \$397,185 bonds for purchase of highway equipment.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Jill Odel of Evergreen Row presented a petition signed by residents requesting that construction activities be prohibited on Sunday and legal holidays. Supervisor Berman explained that the limitations requested are for construction work performed by contractors using heavy equipment and not for home improvement work done by homeowners. There was Board consensus that the proposal merited further study. Councilman Kittredge requested that Building Inspector Richard Fon review the town codes in New Castle, Bedford and Mount Pleasant concerning construction activities. Councilman Geist moved, seconded by Councilman Weaver, the receipt of the petition and the scheduling of a public hearing for May 28, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted for the release a highway bond to David Lestz, Permit #0703, in the amount of \$500.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, the receipt of a letter from Conservation Board Chair John Fava in connection with the North Castle Biodiversity Plan, which recommends that the Town make every effort to protect the former 63 acre Children's

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Preserve. Supervisor Berman explained that the parcel is privately owned, and therefore, the Town would not be able to become involved in the preservation of the open space at this time. She added that she met with the property owner indicating the Town's interest in purchasing the property.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, approval of the request of the Friends of the North Castle Public Library to hold its 47th Annual Art Show at North Castle Community Park on September 27 and 28, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of the Friends of the North Castle Public Library to increase admission fees at the Art Show from \$7 to \$9 for adults, from \$5 to \$7 for seniors, and to \$8 for one adult and \$15 for two adults with a discount coupon. The payment of one fee will entitle a visitor to admission on both days. Children 18 and under will be admitted without charge.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of the Armonk Chamber of Commerce to place a sign under the eagle to publicize the Armonk Hamlet Sidewalk Sale on May 10.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the request of the Lions Club to use Wampus Brook Park on June 6-8 for the 34th annual FoL-de-Rol and to place a sign under the eagle to publicize the event.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the request of the Rosenthal JCC of Northern Westchester to place a sign under the eagle to publicize its Children's Carnival on May 11-18.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the receipt and filing of the Town Clerk's report for the month of March, 2008.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Authorization for the Supervisor to sign a proposal from Kellard Sessions Consulting, P.C. for Hergenhan Community Center parking expansion was tabled on the duly adopted motion of Councilman Geist.

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Authorization for the Supervisor to sign a Police Department network support contract with Sullivan Data Management was tabled on the duly adopted motion of Councilman Weaver, pending submission of further documentation.

Councilman Geist moved, seconded by Councilman Schiliro, acceptance of the proposal from GEA Engineering, P.C., in the amount of \$4,850 to perform an inspection and prepare a report in connection with the Windmill Gravel Pit Dam. Town Engineer John Kellard said it may be possible to apply for a MS4 grant to address the erosion near Round Hill Round. Water Superintendent Anthony Futia recommended that the Town not use the services of GEA Engineering at this time, but the Board expressed the view that the inspection and report were necessary to address safety and liability issues.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, acceptance of the two-phase proposal from GEA Engineering, P.C., in connection with the Long Pond Dam. GEA estimates that Phase 1 of the project, which consists of addressing the immediate safety items, would be completed in six weeks at a cost of \$12,500. Phase 2 consists of an in-depth study of the dam and is estimated to take about twelve weeks and cost approximately \$60,500. Mr. Kellard explained that the NYSDEC inspection report outlined deficiencies and provided recommendations for compliance with dam regulations. Supervisor Berman explained that NYSDEC is directing the Town to address these issues.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, acceptance, with regret, of Beth Pollack's resignation as member and chair of the Architectural Review Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the appointment of Anthony Cavello as chair of the Architectural Review Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the appointment of Chris Tuzzo as member of the Architectural Review Board to fill Beth Pollack's unexpired term through September 13, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the probationary appointment of Gabrielle Madera, to Library Page.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Pursuant to the request of General Foreman Useted, Councilman Weaver moved, seconded by Councilman Geist, approval of unused sick leave payment in the amount of \$2,297.72 for Fred Coughlin, Highway Department.

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The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Pursuant to the request of Justices McGoey and Lazansky, Councilman Geist moved, seconded by Councilman Weaver, approval to hire Maria De Lourdes Valdes, as Assistant Court Clerk, part time temporary.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Council Weaver, that a Summons and Complaint in the matter of John Heimerdinger be received and referred to town counsel.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Council Weaver, receipt of a letter form Boies, Schiller & Flexner, LLP offering pro bono support services to assist with litigation related to the Seven Springs, LLC, law suit.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

The Town Board audited and approved payments totaling \$528,802.99 as indicated on Warrant #7.

After all persons were heard who desired to be heard, the meeting was closed at 8:45 p.m. in memory of Mary Farquhar, mother of Robert Farquhar, and sister of George Zygmunt; Josephine Tateo; and Mary Humphreys, wife of William Humphreys.

Ann Leber, Town Clerk

Dated: April 14, 2008

PUBLIC HEARING

April 9, 2008

At 7:47 p.m. Supervisor Berman stated that a Public hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on April 9, 2008 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering amending Section 10-4.A of the Town of North Castle Town Code to increase building permit fees.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: March 28, 2008
Armonk, New York

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The Public Notice read by the Town Clerk was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

A memo from Building Inspector Richard Fon and a letter from Anthony Futia were marked at Exhibit "D" for the record.

Building Inspector Fon explained that he is recommending that building permit fees for projects with a value over \$15,000 be increased to \$11.00 per thousand from \$8.50 per thousand. Fees for projects \$15,000 or under would remain unchanged. Mr. Fon then addressed questions raised by Mr. Futia in his March 20, 2008 letter. Mr. Fon said the reason for the increase is to offset parts of the department's costs for services that are not used by the general public; the building permit fee increase would not cover the costs of such services as code enforcement and fire safety inspection. He said the information regarding the fees in neighboring communities was obtained for reference purposes and not for direct comparison to North Castle.

Mr. Futia expressed his concerns about keeping costs down and asked if it was necessary to hire a plans examiner in the building department. Mr. Fon explained that the plans examiner would ensure that proposed plans comply with the increasing volume and complexity of the building code, including the recent NYS requirement for pre-inspections prior to the issuance of building permits. Supervisor Berman said the Approvals Review Task Force had made the recommendation to hire a plans examiner to assist the Building Inspector and Director of Planning, and thereby expedite the building permit process. Supervisor Berman also said the need to hire a plans examiner this year will be reviewed based on the volume of proposed building.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Geist, that the Public Hearing be closed at 8:00 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, the adoption of Local Law 4 of the year 2008, to amend Section 10-4.A of the Town Code to increase building permit fees.

The Local Law follows:

TOWN OF NORTH CASTLE

Local Law No. 4 For the Year 2008 (Adopted April 9, 2008)

A Local Law to amend Chapter 10 entitled Building and Highway Department of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows :

1. Section 10-4 Building and Highway Department Fees, Subparagraph A entitled Building Permits is hereby amended to read as follows:

<u>Value</u>	<u>Permit Fee</u>
\$1,000.	No Charge

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\$1,001. to \$15,000.	\$75.00
\$15,001. and up	\$11.00 per \$1,000.

2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: April 15, 2008

PUBLIC HEARING

April 9, 2008

At 7:45 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on April 9, 2008, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering the Special Use Permit application of Robert A. Dean, c/o Naturescapes, 2 MacDonald Avenue, Armonk, New York for outdoor display, sales and service (Section 2, Block 13, Lot 25).

By Order of the Town Board
Ann Leber, Town Clerk

Dated: March 28, 2008
Armonk, New York

The Public Notice read by the Town Clerk was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

The green cards denoting mailing to and receipt of certified mail by adjoining property owners were received and marked Exhibit "D" for the record.

Notification to Westchester County Planning Board; a letter from Director of Planning Adam Kaufman; and letters from neighbors Michael Faeri, Kathleen Huffman and Elaina Gavone indicating their approval of the Special Use Permit application were marked Exhibit "E" for the record.

Mr. Dean thanked the Town Board, Planning Board and the Town's staff and consultants for expediting his application.

Councilman Kittredge asked Mr. Dean if he would again put a planter on his property near the road since it was always so attractive.

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No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Geist, that the Public Hearing be closed at 7:47 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the Special Use Permit application of Robert A. Dean, c/o Naturescapes, for outdoor display, sales and service (Section 2, Block 13, Lot 25).

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None

Ann Leber, Town Clerk

Dated: April 11, 2008